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President: Mr. Schulz (Vice-President) ..... (Germany)

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The meeting was called to order at 10.10 a.m.

Agenda item 9: Special economic, humanitarian and disaster relief assistance (*continued*)

Panel discussion: "Reaching people in need and promoting respect for international humanitarian law and humanitarian principles"

1. **The President** said that the objective of the high-level panel discussion was to reflect on the role and practical implementation of international humanitarian law and humanitarian principles in the delivery of humanitarian assistance in armed conflicts. The panel would also examine how States could use their influence to ensure respect for those laws and principles in the delivery of assistance and to enhance the protection of civilians, which should be accorded the highest priority. It was essential to have full, rapid, unimpeded and sustained humanitarian access to conflict zones, and the international community should do its utmost to ensure the safety of humanitarian personnel and materials.

2. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator), moderator, said that practical measures were needed to boost compliance with international humanitarian law and humanitarian principles. The parties to conflicts in many parts of the world frequently imposed severe and widespread restrictions, including bureaucratic constraints, on access, which jeopardized the delivery of humanitarian assistance, notably in the Syrian Arab Republic, Nigeria, Somalia, South Sudan and Yemen. Violence and threats against aid workers regularly forced aid agencies to reduce or suspend their activities. The Aid Worker Security Database showed that 249 aid workers had been killed, kidnapped or seriously injured in 2016, while records from the World Health Organization for the same year revealed that 863 medical personnel had been killed or injured in 20 conflict-affected countries.

3. Attacks on civilians were becoming increasingly common, precipitating disease, displacement and hunger. All parties to armed conflicts had obligations to respect and protect the sick and wounded and medical units. The Security Council of the United Nations, in its resolution 2286 (2016) on the protection of civilians in armed conflict, had called for full compliance with those obligations and requested that the Secretary-General provide recommendations identifying practical measures to ensure the implementation of the resolution. Humanitarian efforts must remain distinct from political or military objectives and be conducted in line with the principles of humanity, impartiality, neutrality and independence.

4. A report on presence and proximity in humanitarian assistance, to be launched that day, stressed how important it was for humanitarian organizations to obtain consent for their operations from the parties to conflicts and to adapt those operations to the environment in which they were being conducted. Member States must not impede interaction between humanitarian actors and all relevant parties, including non-State armed groups. All States had a responsibility to ensure respect for international humanitarian law and must not provide funding, weapons or training to groups that might violate it. The 2017 report of the Secretary-General on the protection of civilians in armed conflict (S/2017/414) included enhanced respect for international law among its protection priorities and indicated that the Secretary-General would facilitate a global effort to mobilize Member States, civil society and other stakeholders to enhance respect for international law and strengthen protection for civilians in conflict zones.

5. Launching the panel discussion, he asked which basic rules of international humanitarian law served to ensure that civilians received the humanitarian assistance they needed and how those rules were being violated.

6. **Ms. Durham** (Director, International Committee of the Red Cross (ICRC)), panellist, said that there were four main pillars of international humanitarian law. Firstly, each party to an armed conflict bore the primary responsibility for meeting the basic needs of the population under its control. Secondly, impartial humanitarian organizations had a legal right to offer to provide humanitarian services. Thirdly, humanitarian action in armed conflict situations was subject to the consent of the parties to the conflict. Lastly, once

consent had been obtained, the parties to the conflict and all States were expected to facilitate the rapid and unimpeded passage of relief workers and materials.

7. The nature of armed conflict was changing. ICRC had identified a number of key issues that posed challenges to the delivery of aid. Armed conflicts were becoming increasingly protracted and were occurring more frequently in urban areas. They also increasingly involved fluid and fragmented non-State armed groups. In some cases, parties to conflicts were unaware of their obligations or rejected them entirely. Counter-terrorism and security issues also came into play.

8. **Mr. Munn** (Director of Humanitarian Policy, Norwegian Refugee Council), panellist, said that conflicts in urban areas and constantly shifting borders and conflict lines presented huge challenges for humanitarian actors. Aid workers on the ground often had a much more in-depth understanding of the difficulty of communicating the core principles of humanitarian aid when negotiating access. Discussion of those issues should take place in locations closer to conflict zones as well as in Geneva. In 2016, the Norwegian Refugee Council had reached out to as many field locations as possible. The report on presence and proximity made it clear that, without principled proximity, it was not possible to protect vulnerable people.

9. The principle of neutrality meant that negotiations could be conducted with parties on both sides of a conflict. The obstacles to being seen as impartial and independent needed to be identified: sometimes aid organizations were viewed as instruments of the State or as espousing Western values. Humanitarian action required a range of skills and it should not be expected that all actors across the sector would undertake all activities. Only a small number of agencies had the skills and experience to negotiate access; those that did not should not receive criticism if they did not take part in negotiations. National agencies should not be expected to have the same capacities as international agencies.

10. **Mr. Dare** (Head, Humanitarian Affairs, Refugees and Internally Displaced Persons Affairs Division, African Union Commission), panellist, said that the humanitarian picture in Africa remained challenging, with many low-intensity conflicts that continued to displace large numbers of people. The continent as a whole currently had 4.5 million refugees and 12.8 million internally displaced persons.

11. In order to mitigate the effects of weak disaster management mechanisms, the African Union had put in place a number of legal and policy instruments, including the Protocol relating to the Establishment of the Peace and Security Council of the African Union, to help forge common understanding in conflict situations. Every communiqué issued by the Peace and Security Council contained a reminder that all parties to a conflict had international legal obligations to protect civilians. Other key instruments included the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (the Kampala Convention), which specifically recognized the obligations of non-State actors towards civilians during conflicts, and the African Union Guideline on the Role of the African Standby Force in Humanitarian Action and Natural Disaster Support. Member States of the African Union were regularly reminded of their obligations under the Geneva Convention relative to the Protection of Civilian Persons in Time of War.

12. In the African context, it was important to recall that both States and non-State actors had obligations to facilitate humanitarian access when failure to do so might lead to starvation or otherwise threaten the survival of the civilian population. The current near-famine situations in Somalia, South Sudan and north-eastern Nigeria had been brought about by conflict-related human activity. It was his understanding that the Constitutive Act of the African Union was the only text in international law that made provision for the use of military assets for humanitarian intervention. African leaders wanted to see States take full responsibility for the application of the provisions of international humanitarian law in connection with the protection of civilians. He was hopeful that progressive development would ensure that the protection of civilians would become a peremptory norm of international law from which there would be no derogation.

13. **Ms. Decrey-Warner** (President, Geneva Call) said that the consultations leading up to the World Humanitarian Summit in Istanbul, while generally inclusive, had not involved armed non-State actors, despite them playing a key role in many conflicts around the world.

On that occasion, Geneva Call had published a study which showed that, generally speaking, such groups understood and accepted the need for humanitarian action but were often unaware of the rules of international humanitarian law and so did not adhere to them. Moreover, some armed non-State actors viewed humanitarian organizations and workers with suspicion, thinking them spies, and many of them believed that humanitarian actors should request permission before commencing their activities. There was also a divergence of opinion among armed non-State actors on the nature of their responsibilities towards civilians, based on how they defined civilians, the degree of control that they exercised over a given territory, the dynamic of the conflict to which they were a party and their overall objective. It was worth mentioning that some armed non-State actors had even created their own relief programmes and endeavoured to deliver humanitarian assistance in areas under their control.

14. The study concluded that there was a need to educate armed non-State actors about international humanitarian law and humanitarian principles so as to prevent interference in the delivery of humanitarian assistance. There must be engagement with them from the outset, not only when there was an urgent need for humanitarian assistance, as a relationship based on trust took time to build. Humanitarian actors should ensure that they abided by the core humanitarian principles in the conduct of their activities, as any perceived lack of neutrality could lead to humanitarian assistance being blocked and expose them to threats or violence. Although the international humanitarian community may not always agree with the requests made or terms of engagement set by armed non-State actors, it should not lose sight of its priority, which was the timely delivery of humanitarian assistance to people in need.

15. **Mr. Jochum** (Director General, Médecins sans frontières Switzerland) said that, while attacks on medical personnel could sometimes be attributed to ignorance of international humanitarian law, they were frequently a deliberate part of a premeditated military strategy. In the absence of a robust response from States, the situation would only deteriorate further, jeopardizing the future of humanitarian action in conflict situations. He deplored the lack of progress made in implementing Security Council resolution 2286 (2016) on the protection of civilians in armed conflict and in giving effect to the Secretary-General's recommendations on that subject. States should take practical measures to fully implement the resolution and fulfil their obligation to protect civilians in conflict situations.

16. The main challenges encountered by Médecins sans frontières Switzerland in the field stemmed from indiscriminate violence towards civilians and public service infrastructure, and military strategies aimed at depriving sectors of the population of medical care. The reality was that, despite the purpose and scope of humanitarian action being defined in international humanitarian law, it was only tolerated by belligerents when it did not run counter to their objectives. Humanitarian agencies were often unable to reach populations in need on account of belligerents obstructing their activities, and hospitals and medical personnel continued to be targeted by groups who considered that the act of providing medical care was not impartial. Médecins sans frontières Switzerland was particularly concerned by the growing tendency, especially in States with repressive regimes, to criminalize the provision of certain forms of humanitarian assistance in conflict areas, with medical personnel accused of providing material support to terrorists or of complicity in their activities. Provisions of States' domestic legislation frequently prioritized national security interests and authorized permissive counter-terrorism measures, often to the detriment of humanitarian workers in conflict situations. In some States, the mere act of establishing contact with armed non-State actors constituted a criminal offence and could expose medical personnel to threats and retaliatory action. However, the delivery of impartial humanitarian assistance could not take place if humanitarian organizations could not speak to all the parties to a given conflict, including armed non-State actors.

17. In order to improve the prevailing humanitarian situation, States needed to show greater political will to implement Security Council resolution 2286 (2016) and the related recommendations of the Secretary-General by, *inter alia*, updating their domestic legislation, military manuals and operating procedures. States should also devote more efforts to creating spaces for dialogue where belligerents, including armed non-State actors, humanitarian actors and State representatives could meet to assess the impact of hostilities

on civilians, to discuss the possibility of ceasefires to facilitate the evacuation of the wounded and to clarify what constituted a legitimate target in the conflict. There was also a need to introduce mechanisms for gathering objective and reliable information on recent developments in conflict situations, given the implications for the roll-out of humanitarian assistance activities in the field. States should not equate the provision of impartial medical care to persons in need with the provision of material support to their enemies. Médecins sans frontières Switzerland had adopted a number of practical measures to protect its medical personnel, including a no-weapons policy and a special protocol for the arrest or interrogation of persons receiving treatment in its facilities. The number of attacks on medical facilities and personnel could be reduced if all belligerents acted with restraint, engaged in dialogue and fulfilled their obligation to protect civilians.

18. **The observer for the State of Palestine**, noting that a lack of awareness among parties to a conflict of the purpose of the work of impartial humanitarian organizations often hampered the delivery of humanitarian assistance, said that, in the Occupied Palestinian Territories, the presence of Israeli checkpoints prevented medical personnel from reaching people in need. He asked what more ICRC could do to educate occupying forces about international humanitarian law and the need to respect it.

19. **The representative of the United Kingdom** said that the United Kingdom welcomed the efforts of humanitarian organizations to promote respect for international humanitarian law and the core humanitarian principles. However, more needed to be done before the outbreak of hostilities to raise the awareness of armed non-State actors of their obligation to comply with international humanitarian law and of their responsibilities towards civilians. There should be no impunity for parties to a conflict who violated international humanitarian law. The United Kingdom supported the work of the International Criminal Court and other ad hoc criminal tribunals in bringing the perpetrators of such violations to justice. It was an unfortunate reality that medical personnel working for ICRC and other humanitarian organizations continued to pay the ultimate price as they attempted to deliver impartial medical care on the battlefield. States should step up their efforts to implement Security Council resolution 2286 (2016), to stop indiscriminate attacks on medical facilities and personnel and to facilitate humanitarian access during conflict. It would be interesting to hear more about how the international humanitarian community ensured that core humanitarian principles were upheld in the light of the politicization of aid, especially in protracted crisis situations where humanitarian and development actors were required to work in parallel.

20. **Ms. Durham** (Director of International Law and Policy, International Committee of the Red Cross (ICRC)) said that it was no longer sufficient to explain the letter of international humanitarian law to States, military personnel and non-State armed groups without also explaining its value and how it could assist them in reconciling military necessity with the principle of proportionality. International humanitarian organizations needed to engage with the parties to a given conflict in order to gain a better understanding of the tensions that existed between them. States had a duty to ensure that the content of Security Council resolution 2286 (2016) was conveyed to military personnel, including soldiers operating checkpoints. ICRC had a global network of armed and security forces delegates who trained military personnel to pay attention to humanitarian concerns while performing their role, including by granting medical personnel access to persons in need in a timely manner and delaying the questioning of suspects until they had received medical care. The international community should give thought to how to ensure humanitarian access to provide not only assistance but also protection.

21. **Mr. Jochum** (Director-General, Médecins sans frontières Switzerland) said that the politicization of aid in contexts where humanitarian, development and peacebuilding activities were being conducted in parallel represented a huge challenge, as stakeholders would not normally accept principled humanitarian assistance if it was linked to broader political objectives, such as development and peacebuilding, which were the exclusive domain of States. The possibility of delivering impartial humanitarian assistance must be safeguarded in such contexts. In protracted crisis situations, there was seldom scope for creating a nexus between development, humanitarian and peacebuilding activities owing to

the scarcity of actors on the ground and the lack of an enabling environment. Increased dialogue among stakeholders was the first step towards addressing that situation.

22. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator), moderator, noting that some stakeholders considered humanitarian principles to be a Western concept, asked whether such an interpretation might hinder negotiations with some State and armed non-State actors and if efforts were being made to document good practice in that connection.

23. **Mr. Munn** (Director of Humanitarian Policy, Norwegian Refugee Council) said that humanitarian action could be hampered not only by the politicization of aid when humanitarian, development and peacebuilding activities were conducted in parallel, but also by restrictive counter-terrorism policies, especially in areas controlled by non-State armed groups. The Norwegian Refugee Council was working to educate stakeholders about the scope and implications of the most restrictive or political measures. There was a need to dispel the erroneous perception of humanitarian principles as a purely Western concept. Research conducted by ICRC clearly demonstrated that core humanitarian principles were embedded in the cultural norms and values espoused by nearly all faith groups, although the interpretation of those principles might vary among State and non-State actors and among givers and receivers of humanitarian assistance.

24. The obstacles facing humanitarian organizations in the field and their best practices for overcoming them were well documented, but needed to be synthesized into a form that could be used on the ground. The vast majority of the 12,000 staff employed by the Norwegian Refugee Council were local recruits, with the result that negotiating delegations were made up of people who were already familiar with the local context and prevailing cultural norms. International humanitarian organizations needed to draw upon the experience of local actors and establish best practices that could be applied across a variety of humanitarian contexts.

25. **Ms. Decrey-Warner** (President, Geneva Call) said that Geneva Call approached crisis situations in which key stakeholders were reluctant to accept what they considered to be Western humanitarian principles by gaining an understanding of and adhering to the principles that the stakeholders themselves espoused and thus promoting a sense of ownership in the negotiation process. It was worth pointing out that a discussion on how best to engage with armed non-State actors would not have been possible 10 years previously. Over time, the international humanitarian community had come to understand that, as armed non-State actors were often part of the problem, they should also be part of the solution. The negative consequences for humanitarian actors of criminalizing contact with armed non-State actors, who were often considered terrorists, should not be underestimated. Community-based civil society organizations, which often wielded significant influence, were reluctant to approach such groups for fear of arrest and criminal consequences. States should recognize that such engagement had a legitimate purpose and facilitate, rather than obstruct, the work of Geneva Call and other international humanitarian organizations.

26. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator), moderator, noting that States had an obligation to ensure respect for international humanitarian law, said that he wished to know what that obligation entailed for States that were not party to a particular conflict.

27. **Mr. Dare** (Head, Humanitarian Affairs, Refugees and Internally Displaced Persons Affairs Division, African Union Commission), panellist, said that, while the tactical and operational approach to such matters taken by the African Union might differ from that adopted elsewhere, certain limits and principles should apply to all forms of warfare. Perpetrators of serious crimes had to be held to account, irrespective of whether the States of which they were nationals had signed a particular treaty. For that reason, all the communications issued by the Peace and Security Council of the African Union referred to the obligations imposed by international humanitarian law on both State and non-State actors. The role played by non-State actors in conflicts was recognized in the Kampala Convention, which had been adopted in 2009. In recent years, conflicts on the African continent had tended to be intra-State rather than inter-State. Actors who engaged in

warfare therefore had to consider the manner in which they waged war rather than the question of whether their State was party to a particular treaty. In accordance with the regulations of the African Union, military leaders were required to ensure that civilians were physically protected from the effects of warfare and that the areas around peace missions were sufficiently protected.

28. **Mr. Jochum** (Director General, Médecins sans frontières Switzerland), panellist, said that, in order to limit the impact of war on civilians, it was necessary to invest in diplomacy so that spaces of dialogue could be created when no dialogue was taking place. When a State was systematically violating international humanitarian law, steps should be taken to establish the facts of the situation and ensure accountability.

29. **Ms. Durham** (Director, International Committee of the Red Cross (ICRC)), panellist, said that, under common article 1 of the Geneva Conventions, respect for international humanitarian law must be ensured. Some States engaged in war in an indirect manner by supporting, training or providing material assistance to State and non-State belligerents, but even they were required to respect the obligations imposed by instruments such as the Arms Trade Treaty. In addition to humanitarian access in the field, there was also a need to establish spaces in which the parties concerned could engage in discussion on humanitarian issues, setting aside contentious political matters and focusing on the principles under which they should be operating.

30. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator) said that it was necessary to consider the role and obligations of all relevant State and non-State actors, including those that were able to exert influence on the belligerent parties without being directly involved in the conflict.

31. **The representative of Germany** said that governments had a duty to remind all relevant actors of their obligations under international humanitarian law and of the importance of safeguarding international humanitarian principles. She asked what humanitarian workers could do to enhance acceptance of their work and how they could acquire the expertise needed to persuade all actors, particularly armed actors, of the importance of their mission.

32. **The observer for Switzerland**, recalling the Secretary-General's suggestion in his report on strengthening the coordination of emergency humanitarian assistance (A/63/81-E/2008/71) that exemptions should be made in sanctions regimes and national legislation to mitigate the adverse consequences of counter-terrorism measures on humanitarian action, said that consideration could also be given to strengthening dialogue between State authorities with responsibility for counter-terrorism measures and representatives of humanitarian organizations. The obligations imposed by donors could be harmonized and exemption clauses could be introduced in regional or national legislation. He asked what recommendations the panellists would make to address the adverse consequences of counter-terrorism measures on humanitarian action.

33. Given that the regulations set out in international humanitarian law were considered to be fit for purpose, the main challenge was to ensure that they were respected and that repeated violations did not undermine the credibility of the law or the political will to ensure that it was upheld. Switzerland and ICRC were engaged in a process aimed at strengthening respect for humanitarian law, with a report to be issued in 2019 on the occasion of the thirty-third International Conference of the Red Cross and Red Crescent, for which it would be important to obtain the views of as many parties as possible. Switzerland and ICRC co-chaired the Montreux Document Forum, which enabled States to come together with other stakeholders to discuss best practices in the implementation of international obligations. All States that had not yet done so should ratify Protocols I and II additional to the Geneva Conventions, which contained very important provisions concerning the protection of health-care providers.

34. **The observer for Ukraine** said that her country was particularly mindful of its obligations concerning the protection of civilians, including health-care staff and humanitarian workers. Members of the Ukrainian armed forces were trained in the application of international humanitarian norms and principles in armed conflict, the training being delivered in cooperation with ICRC in Ukraine and other national and

international human rights organizations. In 2017, training in international humanitarian law had been provided to all ranks of the armed forces of Ukraine, including members of units returning from and transferring to areas where antiterrorist operations were being carried out. Since January 2014, Ukraine had allowed ICRC representatives to visit over 36 detention facilities and monitor the detention conditions of over 520 persons.

35. The Ministry of Temporarily Occupied Territories and Internally Displaced Persons had been made responsible for implementing international humanitarian law, monitoring compliance and taking steps to address violations, and the Government had recently adopted a resolution establishing an inter-agency commission on the implementation of international humanitarian law in Ukraine. Although much had been done to protect civilians since the start of the Russian aggression against Ukraine in 2014, a considerable amount of work remained to be done, for which Ukraine continued to count on the support and assistance of the international community. She asked what steps could be taken, aside from increasing the engagement of donor communities, to raise awareness of the humanitarian needs of affected populations.

36. **The observer for the Syrian Arab Republic** said that the subject under discussion raised questions about the historical relationship between *jus ad bellum*, *jus in bello* and the Charter of the United Nations. The fact that those branches of law had come to be considered separately did not mean that belligerents could wage war without respecting the Charter of the United Nations or the international obligations contained in it. The moderator had said that countries should mediate between parties, including in situations where they were defending their sovereignty from foreign interference or international terrorism. However, if the term "parties" was understood to include States then that statement could be considered problematic. Although the Charter of the United Nations prohibited countries from interfering in the internal affairs of a sovereign State, that prohibition had not been addressed in any way in the Secretary-General's report. International humanitarian law should not be used as a tool with which to cover up violations of the Charter, which remained the key text that guided all humanitarian work. He would also be interested to hear more about the regulations governing the provision of humanitarian assistance and how the consent of the parties concerned could be obtained in the context of international armed conflicts.

37. **Mr. Munn** (Director of Humanitarian Policy, Norwegian Refugee Council), panellist, said that the task of communicating the nature and importance of humanitarian work to all the actors concerned was a challenge to which different types of organization might adopt different approaches. As an organization whose funding depended on institutional partnerships with Member States, the Norwegian Refugee Council needed to work with donors to ensure that it was able to implement the training mechanisms and tools that its staff required. It needed funding mechanisms that provided for global access advisers and negotiation advisers at the national and regional levels. It also spread expertise through the provision of support to implementing partners and operational partners in different contexts, such as a programme soon to be launched on the training of trainers in the negotiation of humanitarian access.

38. In partnership with Switzerland, it was looking at the impact of counter-terrorism measures on principled humanitarian action, a subject on which the Council had first issued a paper in 2012. In 2016, through the Inter-Agency Standing Committee, the Council had produced a toolkit for risk management that examined the impact of counter-terrorism measures within different contexts, sharing its tools with other bodies as appropriate. The toolkit, which was being developed in conjunction with humanitarian country teams and national NGOs, was currently being field tested. At a global level, the Norwegian Refugee Council attempted to ensure that the relevant principles, and international humanitarian law, were embedded in the discussions surrounding the Grand Bargain on humanitarian financing, the New Way of Working and the 2030 Agenda for Sustainable Development.

39. **Mr. Dare** (Head, Humanitarian Affairs, Refugees and Internally Displaced Persons Affairs Division, African Union Commission) said that the African Union addressed questions of conflict resolution and management at a strategic level, endeavouring to bring together all actors in armed conflicts while seeking to establish a space for humanitarian assistance. Although civil society might not be a party to a given peace process, citizens

were encouraged to act as observers and pass on their concerns to members of the delegations. The African Union also took steps to ensure that victims were heard during peace processes. Efforts were being made to adopt a more investigative approach to situations and to establish commissions of inquiry to determine what was taking place and how humanitarian assistance could be provided to those who needed it. Humanitarian considerations were increasingly being seen as essential components of peace processes.

40. **Ms. Decrey-Warner** (President, Geneva Call), panellist, said that non-State actors were all different and therefore different approaches were needed to work with them. It was essential to establish a dialogue, build confidence and understand the constraints on the parties concerned, as well as to encourage them to take ownership of the relevant norms. The roles of the different actors should be seen as complementary, as organizations such as Geneva Call could do things that United Nations agencies and State actors could not, and so dialogue should take place to determine how their particular expertise could contribute to the common objective. Exemptions from criminalization under counter-terrorism measures should be granted to humanitarian workers without discrimination, to avoid the debate becoming politicized and States claiming that some NGOs were legitimate while others were not.

41. **Ms. Durham** (Director, International Committee of the Red Cross (ICRC)) said that humanitarian actors should be tenacious, principled and practical and pay greater attention to compound vulnerabilities, including issues such as gender and the provision of assistance to persons deprived of their liberty. In decisions on the provision of humanitarian assistance and protection, they should consider communities individually in order to identify their specific needs. The Protocols I and II additional to the Geneva Conventions addressed issues that were of great relevance to the current discussion, including the prohibition of starvation as a method of warfare.

42. In considering the consequences of antiterrorism measures, it should be borne in mind that States required humanitarian organizations to work in an impartial manner but sometimes prevented them from doing so. Although it was relatively easy to justify funding earmarked for feeding children or providing health care, it was more difficult to attract funds for time-consuming tasks such as engaging with armed groups and States or training staff in international humanitarian law. Donor groups could give valuable support to organizations by providing non-earmarked funds that could be used for such purposes.

43. Protocol II additional to the Geneva Conventions provided that, even in non-international armed conflicts, actors were required to engage with the territorial State. However, for reasons of practicality and security, humanitarian organizations also frequently had to engage with non-State armed groups, while, in situations characterized by confusion over who was in power, it was sometimes difficult to engage with or obtain the consent of State authorities. Furthermore, as was clearly noted in the commentaries issued by ICRC, there may be exceptional circumstances in which a State might be neglecting its obligation to take care of its people. So, while obtaining the consent of the State party was of fundamental importance, the practicalities of the situation could not be ignored. As concerned the relationship between the laws of war and the Charter of the United Nations, it was deep and complex. The different areas of international law had to complement each other and be consistent.

44. **Mr. Jochum** (Director General, Médecins sans frontières Switzerland) said that humanitarian actors themselves could contribute greatly to enhancing acceptance of their work. Principled action was needed to maintain the neutrality of medical facilities, ensuring that patients were not selected on the basis of political criteria and that the facility did not become a ground for military action. Interactions with legitimate authorities must be conducted in such a way as to uphold the basic principles of medical ethics. There was also a need to negotiate with all stakeholders controlling a given area, whether they were State or non-State actors. Being clear and transparent about an organization's actions and objectives was also vital. However, humanitarian actors had no influence on issues related to State policy. It was thus necessary to create spaces for dialogue in situations where a State was seeking to prohibit treatment of certain groups of patients or prevent humanitarian organizations from operating in areas not under its control, or viewed medical care as material support for terrorism simply because the patients included wounded

opposition fighters. If unresolved, such situations could develop into a security issue for humanitarian workers in the field. In the run-up to the World Humanitarian Summit 2016, the most acute needs of populations trapped in conflict situations had been sidelined by discussion on the humanitarian-development-peace nexus, provoking fear that States might withdraw attention from the most acute humanitarian situations in areas of conflict. While concepts such as resilience were certainly valuable, they were not operative in societies whose services were collapsing. The issue required political attention and the present discussion was a positive step. In the context of counter-terrorism activities, medical relief must be exempt from any notion of material support to terrorism. It was also important to scrutinize the impact of counter-terrorism legislation on humanitarian activities.

45. **The representative of the World Food Programme** (WFP) said that it was important to share good practices implemented by parties to conflicts and humanitarian organizations. The Centre of Competence for Humanitarian Negotiations brought together a range of humanitarian actors in order to share knowledge, experience, tools and resources relating to humanitarian access and identify ways to strengthen the knowledge and capacity of field staff, many of whom were national and local staff. Non-State actors were invariably supported by States, but those same States, as donors, were often paying a higher price for the remote delivery of humanitarian assistance when they might instead be helping to negotiate unimpeded access. Some governments of member States of the African Union, for example, were composed of former non-State actors. The organization was thus well placed to provide guidance on ways to improve dialogue with non-State actors with the aim of facilitating access to conflict areas and thereby reducing the cost of delivering humanitarian assistance.

46. **The representative of the Office of the United Nations High Commissioner for Refugees** (UNHCR) said that, although humanitarian actors tended to focus largely on humanitarian access for assistance, access for protection was equally important. Protection must be placed at the core of humanitarian efforts and drive all interventions in order to ensure that assistance contributed to the protection of populations affected by conflict. The humanitarian community needed to deepen its knowledge of international humanitarian law, and the work conducted jointly with the Centre of Competence for Humanitarian Negotiations and that of ICRC on professional standards, among others, was highly relevant in that regard. Deployment of protection experts who could provide advice in complex situations of non-compliance was also crucial. Although humanitarian action had its limits, humanitarian actors could use proximity and presence on the ground to lend a voice to communities affected by conflict, raise concerns and mobilize action.

47. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator) said that it would be useful to learn more about panellists' views on the role of women in humanitarian negotiations, training and skills, the role of the private sector and ways to enhance partnerships with the International Coalition for the Responsibility to Protect and similar initiatives.

48. **The representative of the United Nations Mine Action Service** said that humanitarian actors operated in an environment characterized by the urbanization of warfare, a growing number of suicide attacks and the intensification of conflicts involving the use of large amounts of weaponry. In that context, it was crucial to discuss measures to prevent the intentional killing or injury of civilians. There was an unfortunate trend in international forums to describe targeted attacks against civilians and civilian objectives as "indiscriminate attacks". It was important to discuss action to enforce sanctions against individuals or States that encouraged or resorted to disproportionate attacks against civilians. States parties to international humanitarian treaties must continue to set an example and create conditions that were conducive to lawfulness. She reminded all States of their obligation to record and transmit information on the use of certain weapons under the Convention on Certain Conventional Weapons, which was crucial to humanitarian access and programming.

49. **Mr. Jochum** (Director General, Médecins sans frontières Switzerland) said that there were immense gaps in the protection of civilians in armed conflict and of persons fleeing from conflict zones. In addition to delivering humanitarian assistance, the international community had a duty to protect those populations by reining in the violence

and addressing the needs of internally displaced persons, refugees and people on the move. His organization was exposed to multiple situations of displacement and was gravely concerned over policies of containment, deterrence, ill-treatment and refoulement to unsafe areas that took precedence over solidarity and protection. There was a growing trend for States to view population movements primarily as a threat to national security, with the offer of safety and solidarity becoming the exception. The need for safety and protection of those fleeing danger must therefore be reaffirmed.

50. **Ms. Decrey-Warner** (President, Geneva Call) said that women were not only victims of armed conflict, but could also make an important contribution to conflict resolution. It was therefore important to train them in international humanitarian law and women's rights and involve them in peace negotiations. When negotiating with armed non-State actors, her organization requested, as a rule, that women should form part of the delegation. Small humanitarian agreements on individual issues such as prisoners or demining operations were important confidence-building measures and formed a good basis for subsequent negotiation of more comprehensive agreements. In line with the growing recognition of the value of humanitarian protection, Geneva Call had recently signed a Framework Partnership Agreement with the European Commission's Humanitarian Aid and Civil Protection department. In light of the experiences drawn from engagement with non-State actors, it might be useful to discuss the topic in the United Nations Security Council. Such a discussion could help identify successful — and unsuccessful — practices and provide a forum for humanitarian actors to share their experiences with States. There was broad agreement that civilians living in areas under the control of a non-State armed group had the same right to health care, education and humanitarian assistance and protection as those living in State-controlled areas. It was thus important to discuss ways to deliver assistance in areas controlled by non-State actors in order to ensure that those services remained operational.

51. **Mr. Dare** (Head, Humanitarian Affairs, Refugees and Internally Displaced Persons Affairs Division, African Union Commission) said that it was important to make States aware that humanitarian organizations sometimes needed to negotiate with non-State actors in conflict situations in order to facilitate humanitarian relief. African States currently faced a situation where they were unable to respond to emerging human-induced famine in conflict areas, as the resolution of the conflicts depended on broader, time-consuming peace processes. It was therefore crucial to open spaces for humanitarian assistance and protection through negotiations and to increase advocacy work around humanitarian protection. The African Union cooperated with UNHCR through the Comprehensive Refugee Response Framework on the development of national and regional programmes to improve protection.

52. **Mr. Munn** (Director of Humanitarian Policy, Norwegian Refugee Council) said that, while humanitarian assistance could be managed remotely, protection could not. That reality must be borne in mind when talking about technology and the role of innovation in connection with humanitarian access for assistance and protection. It was unfortunate that women were mostly seen as beneficiaries of peace negotiations, rather than as negotiators, and more must be done to engage women in negotiating peace for their countries and communities.

53. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator), summing up, said that it was important to remember that the current discussion was about the most vulnerable people on the planet. Some 80 per cent of humanitarian assistance was currently delivered in the context of man-made armed conflict settings. The proportion of intra-State and urban conflicts was increasing and broad non-compliance with international humanitarian law created a protection and assistance gap. Mass displacement and the current refugee crises were ultimately a result of that non-compliance. It was therefore crucial to restore lawfulness at all levels and to raise awareness of international humanitarian law and its practical application among all parties to a conflict, including armed non-State actors. States had an opportunity and a duty to set an example. Security Council resolution 2286 (2016) on the protection of civilians in armed conflict could be used as a checklist of practical measures to guarantee safe and unimpeded passage for medical and humanitarian assistance. There was also a need to create a safe space for dialogue on international humanitarian law with both States and non-State actors,

to control arms transfer, invest in diplomacy to resolve crises, create an enabling environment for negotiations with non-State armed groups and ensure that counter-terrorism measures did not impede such engagement. Humanitarian action must respect State sovereignty. At the same time, sovereign States had an obligation to abide by international humanitarian law, protecting civilians, enabling proximity so that humanitarian actors could protect by the fact of their presence and allowing for the passage of humanitarian relief. Women were a tremendously underutilized resource when it came to creating safe dialogue spaces.

The meeting rose at 1.05 p.m.

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President: Mr. Schulz (Vice-President) ..... (Germany)

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The meeting was called to order at 3.10 p.m.

Agenda item 9: Special economic, humanitarian and disaster relief assistance (*continued*)

Panel discussion: "Protracted crises: Meeting needs and reducing needs, risk and vulnerability"

1. **The President** said that the panel would discuss the drivers of protracted humanitarian crises, the humanitarian challenges faced and possible ways forward, including approaches that would meet people's needs and systematically reduce need, risk and vulnerability and thereby contribute to achieving the vision of the 2030 Agenda for Sustainable Development, that no one should be left behind. The panellists would examine how both humanitarian assistance and development cooperation could work in protracted settings in new and better ways.

2. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator), moderator, said that he was pleased to note that the new way of working to meet and reduce needs and reduce risk and vulnerability in protracted crises proposed in 2016 had been embraced. All stakeholders had a role to play in applying the new way of working in practice and ensuring that results led to meaningful change in the lives of the world's most vulnerable crisis-affected people, an unprecedented 141 million of whom made up the humanitarian caseload. If they were to populate a single country, it would be the tenth largest in the world, its life expectancy would be about 24 years shorter than the global average and its child mortality rate 10 times higher. As protracted crises became the norm, inequality mounted and vulnerability linked to climate change grew, the scale and scope of humanitarian suffering was set to increase and it would continue to stretch the humanitarian system beyond its capacity to cope. In the past decade, humanitarian funding requirements had increased by almost 400 per cent and the number of people targeted for assistance had more than tripled.

3. It was not enough simply to strive to keep people alive, safe and healthy, as only treating immediate needs would not lift them out of crisis but would trap them in a perpetual cycle of need. As the Secretary-General had said on taking his oath of office, the system must work together from the beginning of a crisis to support effective communities, address structural and economic impacts, and help prevent a new spiral of fragility and instability. That meant delivering coherent, long-lasting solutions that addressed both the symptoms and the root causes of crises. At the 2016 World Humanitarian Summit, nine United Nations agencies and the World Bank had agreed to adopt a new way of working towards collective outcomes focused on reducing need, risk and vulnerability over multi-year time frames, with each institution working to its unique comparative advantage. Since then, progress had been made at both the policy and the practical levels. A steering committee had been set up to guide joint analysis, planning, coordination, leadership and financing of the response in the four countries at risk of, or experiencing, famine — Nigeria, Somalia, South Sudan and Yemen — while development partners were actively working to shore up resilience and reduce needs. However, barriers still remained.

4. Headquarters needed to encourage their country and regional staff to try new approaches to reduce needs, risk and vulnerability, and to provide coherent support across the humanitarian-development nexus. There was also a need for greater risk-sharing among other stakeholders to make it possible to innovate and enhance efficiency and impact. It was necessary to map out the tools and approaches that had been proven to work to support better coordinated strategies that could be adapted to different contexts. It was important to work with donors to move towards financing that incentivized working together to deliver on collective responsibility and to support increased training for even better financial skills for resident and humanitarian coordinators and other field staff. While there would remain a need for principled humanitarian action, structures and processes, it was necessary to find better ways to coordinate around the delivery of agreed common objectives that brought humanitarian and development actors into closer collaboration from the very onset of a crisis. The focus of each action must always be the people whose lives had been torn asunder by crises.

5. **Ms. Gaviria Betancur** (Adviser to the President of Colombia on Human Rights), panellist, said that Colombia strongly believed that the new way of working was the only responsible path to adopt in the current context of global upheaval. Her country's signing of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace had been a momentous step following more than 50 years of conflict, and efforts were now being concentrated on implementing the Agreement in such a way that no one was left behind. However, it was important to understand the challenges faced in doing that and managing the post-conflict transition. The armed conflict had affected 20 per cent of the Colombian population — more than 8 million victims — of whom 85 per cent had been displaced, 75 per cent lived in urban areas, 35 per cent were children and 13 per cent belonged to ethnic minorities. The Government had committed itself to alleviating the suffering of the Colombian people even before the end of the conflict and had designed and implemented policies to protect victims' human rights. Measures that directly or indirectly benefited the displaced population included the establishment of an official, reliable Central Register of Victims, a long-term human rights system and strategy up to 2034, and a policy for victims up to 2021. Work had begun on making reparations to victims before the conflict had ended, and more than 700,000 persons, including victims of displacement, had already benefited. Colombia was the only country in the world to have taken such innovative steps in the area of reparations.

6. The Colombian Government was the primary humanitarian actor in the country, although the support of external humanitarian agencies was gratefully received. Reparations were provided based on the findings of surveys conducted among victims on their needs, capacities and interests. A target of overcoming the vulnerability of 500,000 victims of displacement by 2018 had been set. A high degree of transparency, oversight and accountability was ensured in the implementation of such policies, with a focus on the participation of displaced persons themselves. The Final Agreement did not focus merely on the surrender of arms but sought to tackle the causes and consequences of the conflict. With that in mind, in order to promote rural development, the Agreement provided for the establishment of a land fund with 3 million hectares to be distributed to farmers, and there were also plans to formalize landownership, with a focus on rural women. Coordinated work was under way to formulate regional development plans, and social investment would be concentrated in rural areas with high levels of poverty that had been significantly affected by the conflict and where illicit crops were grown. The Agreement also provided for a comprehensive system of truth, justice, reparation and non-repetition, under which particular attention would be paid to displaced persons. The perpetrators of forced displacements would not be granted amnesty but would be held accountable. The planned Truth Commission would ensure that the Colombian people learned the real scale of the tragedy in terms of forced displacement.

7. The surrender of arms would shortly be coming to an end, after which it would be possible to definitively close that painful chapter in the country's history. However, challenges remained. For instance, criminal organizations, a small number of dissidents of the Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia) (FARC) and the Ejército de Liberación Nacional (National Liberation Army) (ELN) sought to occupy areas previously held by FARC and continue to charge extortion payments, which posed a major challenge in terms of protecting leaders and communities and meant that not everyone was yet experiencing the positive impact of the peace. The response was not simply the deployment of military or police forces, but rather social investment, involving humanitarian and development actors, the Government and the communities themselves. New approaches were being tested and a new path was being forged.

8. Recommendations to other countries undergoing similar processes included strengthening information systems and constantly updating victim registers. For example, there were 7.2 million victims of displacement in Colombia, but it was necessary to ascertain how many were still in a situation of vulnerability and how many had found lasting solutions. It was important to establish measurable and politically and economically achievable targets and goals for overcoming vulnerability among the displaced population through inclusion in national and regional development plans and projects conducted jointly with international cooperation and humanitarian and development actors. Humanitarian

action with a focus on sustainable development was crucial to ensuring that lives were really transformed. Mechanisms should be developed to ensure effective participation in the design, implementation and follow-up of policies and to promote actions that enabled the comprehensive development of the displaced population. The overarching recommendation was to persevere in resolving conflicts, as that was the only way of putting an end to the suffering of the people.

9. **Mr. Kälin** (Professor Emeritus, University of Bern, Switzerland), panellist, said that it was often assumed that, as long as a conflict lasted or the effects of a disaster persisted, the vulnerabilities faced by internally displaced persons and host communities could only be mitigated by humanitarian action but not really addressed in ways that would help those affected to rebuild their lives. That perception was one of the reasons why humanitarian action all too often became protracted and, at worst, could create aid dependency. While there were some situations in which life-saving humanitarian action was the only option, there were many others in which much could be done to reduce the vulnerabilities of internally displaced persons and host communities even in the absence of peace. However, to do that, it was necessary to go beyond traditional humanitarian responses, particularly when internally displaced persons had found refuge in relatively stable and safe parts of the country.

10. Several essential lessons could be drawn: first, there should be a focus on what internally displaced persons wanted rather than simply what they needed. While they clearly needed shelter, food and access to health services, they wanted livelihoods and a place to stay where they had security of tenure. In other words, they wanted to rebuild their lives and become self-sufficient. Secondly, it should be acknowledged that protracted internal displacement was primarily a development and political challenge, as it involved a process of economic and social impoverishment that could also undermine the resilience and social cohesion of host communities and the achievement of the Sustainable Development Goals. Reversing that process of impoverishment required development rather than humanitarian responses. There was a need for careful analysis of the often complex reasons, including legal, institutional and political obstacles, why internally displaced persons remained marginalized and could not rebuild their lives.

11. The third lesson was that, whenever possible, the emphasis should be shifted from solely providing life-saving assistance to helping internally displaced persons to move towards self-sufficiency as early as possible, without having to wait until a conflict was fully resolved or the impacts of a disaster had ceased. There were many good practices internationally that showed that such an approach was possible. It was necessary to ensure cooperation across humanitarian, development and political divides and to secure flexible multi-year humanitarian and development funding. All actors needed to combine their efforts to analyse the needs, vulnerabilities and capacities of internally displaced persons and their hosts, to identify the reasons why displacement was protracted, and to agree on and implement strategic, clear and quantifiable collective outcomes.

12. It must be recognized that efforts to address internal protracted displacement were successful if governments, using a whole-of-government approach, led efforts, as shown by the example of Colombia. The primary responsibility for assisting and protecting internally displaced persons and creating conditions conducive to a lasting solution lay with governments and not the international community. Local communities, including internally displaced persons and their hosts, were best placed to know their needs and should be considered as front-line actors. Governments should mainstream internal displacement in national and local development plans.

13. **Mr. Mokaya** (Deputy Regional Director for Africa, International Committee of the Red Cross (ICRC)), panellist, said that his organization's 2016 report on protracted conflict and humanitarian action presented three key findings. The first was that protracted conflicts caused immediate and gradual degradation of infrastructure, services and livelihoods, with critical effects on health care, food security, water and education. Second, the mutation and fragmentation of long-lasting conflicts meant that different needs emerged and made responses more complex. The third finding was that protracted crises posed particular challenges for urban areas because the disruption of services had knock-on effects, as had

been seen in Yemen, for example, where the disruption of water services had resulted in a serious cholera outbreak.

14. As long as there were people behind the front lines in hard-to-reach areas, impartial and principled humanitarian action was imperative. In some cases, conflicts occurred in regions that were extremely underdeveloped and faced chronic issues of poverty, weak economies, fragile and unreliable public services and food insecurity. Developmental gains that might have been achieved started to be eroded and host communities that had to share their meagre resources with displaced persons or refugees quickly began to slide into a situation of humanitarian need. The people affected by conflicts were interested in solutions and responses that gave them hope and a sense of continuity to their lives. Addressing the cumulative impact of conflict meant not only meeting urgent needs, but strategically addressing long-term needs.

15. For ICRC, whether with the conflict was protracted or short-term, the principles of neutrality and impartiality were critical to ensuring acceptance, access and security during operations. In volatile and ever-changing environments, it needed to be agile and have the capacity to follow displaced populations: in South Sudan, for example, the use of light, temporary bases had made it possible to following the affected population through multiple displacements. It was important to have a high tolerance of the operational risks involved. ICRC focused on developing its capacity to have reactive, multidisciplinary structural support programmes to enable it to provide support to all categories of victims in areas such as health care, nutrition, access to water and legal assistance. In addition to addressing immediate needs, ICRC also focused on underlying normative issues. It attached great importance to building strong partnerships with local partners, in particular local Red Cross organizations.

16. **Ms. Clements** (United Nations Deputy High Commissioner for Refugees), panellist, said that the aims of the comprehensive refugee response framework were to ease the pressure on countries that welcomed and hosted refugees, build the self-reliance of refugees, expand access to resettlement in third countries and other complementary pathways and foster conditions that enabled refugees to return voluntarily to their home countries. The focus of the framework was not necessarily on the individual; rather, it supported national institutions in strengthening systems that served not only refugees, but also other at-risk groups. Many of the provisions on reception and admission, for example, applied to migrants, while efforts to address the root causes of refugee crises facilitated the return of internally displaced persons. The assistance provided to bolster the education and health infrastructure in refugee host countries and communities benefited the population at large. It was hoped that, through the framework, affected populations would develop the ability to care for themselves, rather than rely on external help, and not just survive, but thrive. Some lessons had already been learned: first, the work carried out should serve as a catalyst for national and international development action; secondly, the framework should offer support, including technical expertise, to other system-wide interventions; and thirdly, all humanitarian actors should have full knowledge of populations and their specificities in order for programming to be inclusive.

17. **Mr. Abdulla** (Deputy Executive Director, World Food Programme), panellist, said that, for the new way of working to prove successful, funding had to flow towards jointly identified plans and priorities. The greatest challenges in that regard included changing organizational and cultural mindsets, altering the perception that many donor countries had of the humanitarian-development nexus and, in that connection, finding ways to work across mandates. Results were being achieved in the four countries that were on the brink of famine, including South Sudan, where the World Food Programme and the Food and Agriculture Organization of the United Nations were collaborating in the transportation and delivery of equipment. While it was true that development assistance benefited governments, it was an overstatement to claim that it was not principled, neutral or properly targeted. It was important to work with governments and to have appropriate safeguard mechanisms in place. Funds should be as flexible as possible to enable rapid transitions from relief to development, and vice versa. The World Bank was to be applauded for its willingness to engage in humanitarian affairs, but greater coordination and dialogue were needed with actors on the ground to ensure that funds reached the most vulnerable.

18. **Ms. Eziakonwa-Onochie** (United Nations Resident Coordinator and Humanitarian Coordinator in Ethiopia), panellist, said that the dual role of resident coordinator and humanitarian coordinator made it possible to exert influence on both sides of the humanitarian-development divide. Ethiopia did not figure on the list of countries that were on the brink of famine because it was at peace, and so all parts of the country were accessible, significant improvements had been made to national infrastructure, and the Productive Safety Net Programme had helped to reduce the number of people who depended on relief assistance during periods of drought. The 2014-2016 El Niño event had affected over 10 million people in Ethiopia, but the country had been able to rely on a robust national system for the delivery of humanitarian assistance and the Health Extension Programme in meeting the needs of malnourished children. The country was on a strong development trajectory, which helped it to manage the needs created by the severe drought that was currently ravaging the Horn of Africa. However, the fact that it was displaying leadership did not mean that it no longer required support.

19. In Ethiopia, common platforms had been established for development and humanitarian actors to ensure that humanitarian action was deployed in a manner that protected development gains, and funds had been allocated to reinforce development systems at the point of delivery. Through a mapping exercise, it had been determined that the development-oriented Water, Sanitation and Hygiene for All initiative had not been complementing the humanitarian assistance delivered in response to the El Niño-induced drought and so, following discussions among the Government, development investors and humanitarian actors, the decision had been made to front-load spending under the initiative so that it had a direct impact on the humanitarian situation. It had been noted that measles and acute watery diarrhoea were consequences of the drought and that not all children had received the necessary vaccinations. Consequently, development funds had been allocated to vaccinating children aged 15 years and under as swiftly as possible. To minimize the impact of the drought on school attendance rates the Government had also decided to use some development funds to guarantee the provision of food and water in schools.

20. It had been posited by some development actors that droughts should not be treated as emergencies, given that they were predictable and recurrent. In response to that argument, the emphasis in Ethiopia had shifted from a poverty-reduction approach to one based on long-term planning that took risks and vulnerabilities into account. In view of the foundations that had been put in place, Ethiopia could serve as a model for other countries seeking to strengthen the humanitarian-development nexus.

21. **The observer for the European Union** said that the European Commission had long been active in crises and had learned the importance of closer collaboration between humanitarian and development actors. Forced displacement was an area in which the Commission aimed to change its way of working, as captured in the Communication on Forced Displacement and Development that it had adopted in 2016. The Commission had adapted its approach to crises, including through joint missions and planning involving humanitarian and development services and improved coordination at headquarters and in the field. It was searching for better responses to protracted crises in urban contexts, exploring the potential for national social protection systems to bridge humanitarian and development assistance and seeking to promote cooperation with the private sector. In Ethiopia, it was working with the World Food Programme and the World Bank to implement the Productive Safety Net Programme. Protection remained key. In the push for development, specific vulnerabilities had to be borne in mind to ensure that no one was left behind.

22. **The representative of Germany** said that addressing protracted crises was high on her country's humanitarian agenda. Germany agreed that, in such crises, humanitarian needs should be met through multi-year financial commitments and, accordingly, was committed to reviewing its internal budgetary regulations, which currently provided for one-year funding windows. However, unlimited increases in multi-year commitments were not possible without affecting ability to respond flexibly to changing humanitarian situations. Different principles were attached to humanitarian and development funds. Thus, while the idea of being able to switch funds from relief to development work was interesting and worth pursuing, it would be extremely hard for Germany to put into action

under its existing budgetary regulations, which required that money should be used for its original purpose. It might be asked what the implications would be of a humanitarian actor using funding from a development partner and whether that would have any impact on the actor's ability to provide principled humanitarian assistance.

23. **The representative of Japan** said that preparedness was crucial to disaster response, and the central and local governments of Ethiopia were to be commended for their efforts in that respect. As a country particularly prone to natural disasters, Japan placed considerable emphasis on preparedness and disaster risk reduction and believed that crisis-hit communities should be rebuilt to a better standard than prior to the crisis. It was committed to promoting the global targets under the Sendai Framework for Disaster Risk Reduction, not only bilaterally but also in collaboration with international organizations and the private sector.

24. **The representative of Australia** said that the Australian aid programme included crisis modifiers in its development assistance and set differentiated priorities depending on the context that were also relevant in situations characterized by both disaster and conflict. All actors should move towards multi-year approaches to protracted crises as they were key to fulfilling the Grand Bargain on humanitarian financing. Multi-year funding provided the opportunity to increase efficiency and effectiveness by reducing administrative burdens and enabling longer-term planning. It also helped donors to improve performance through stronger monitoring, evaluation and reform and to better align humanitarian, development and diplomatic efforts. Australia had announced a $A 220 million three-year package for Syria in 2016 and a $A 100 million three-year package for Iraq in April 2017; it was currently working on multi-year funding commitments in relation to other crises. He would appreciate an update from the agencies on moving towards multi-year planning and programming and would like to know what were the main challenges to be overcome in order to increase the level of multi-year funding.

25. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator) said that he was very grateful for the Government of Australia's multi-year commitment to the Central Emergency Response Fund, which had made a considerable difference in terms of predictable financing.

26. **The observer for Switzerland** said that protracted crises were the new norm; accordingly, the need now was for sustained collective efforts that also respected humanitarian principles. In that connection, to reach a common understanding among actors, joint analysis should be carried out in cooperation with national and local actors. It would not necessarily lead to joint programmes, but in many situations the goal should at the very least be to define common strategic focuses or common outcomes. It was clear that the achievement of common outcomes was contingent on flexible and predictable funding, for example through multi-donor or multipurpose trust funds.

27. **The representative of the United Kingdom** said that it was to be welcomed that tools and frameworks were being put in place to provide long-term solutions for internally displaced persons, refugees and host communities. They encouraged the involvement of development and private sector actors in humanitarian efforts. However, the new approach would require a change in mindset and attitudes, as well as the adaptation of institutions and methods of work with a view to achieving change on the ground. One way of doing that was to plan better for the long term through multi-year commitments that supported governments in making the necessary investments and reforms. Some 85 per cent of British humanitarian funding was multi-year, and both humanitarian and development assistance were covered under a single budget.

28. In addition, it was necessary to create stronger partnerships by collaborating more effectively, particularly at the country level, and by involving the private sector. More could also be done to better anticipate risks and crises, as demonstrated by the introduction in Ethiopia of shock-responsive social protection programmes and risk insurance. Greater effort should be made to avoid leaving anyone behind by better tackling exclusion, by ensuring that programmes systematically encompassed refugees, internally displaced persons and other affected populations and by supporting freedom of movement and access to services and labour markets. Lastly, the political drivers and underlying causes of

displacement, crises and lack of access should be better addressed. The Grand Bargain was a great opportunity to deliver some of the required changes, to join up data from different risk analyses and assessments, to coordinate better and to develop shared long-term plans. Ultimately, in responding to protracted crises, he suggested that donors should strive to be as developmentalist as they could be and as humanitarian as they must.

29. **Mr. Abdulla** (Deputy Executive Director, World Food Programme) said that development funding was often provided with specific objectives and results in mind and was allocated on the basis of strict criteria. The allocation of development money to bilateral programmes should be more thoroughly thought through to ensure that it was available for different uses. That might require changes in the conditions and targeting of both donors and recipients but, if done correctly, could lead to an increase in multi-year funding. Any joint actions with the World Bank should be focused on where the best results could be achieved, for instance in building resilience. While the recent droughts in Ethiopia had been worse than the famous 1984 drought, their impact had been far less because development funding had been put towards prevention. Furthermore, shock-responsive social protection systems were an example of a long-lasting contribution by donors that required minimal physical presence.

30. **Ms. Clements** (United Nations Deputy High Commissioner for Refugees) said, regarding engagement with the World Bank, that the cases of Uganda, Tanzania, Ethiopia, Djibouti and Somalia were examples of the successful leveraging of complementarities between the expertise of the Office of the United Nations High Commissioner for Refugees on refugees and displacement and the World Bank's approach. Another early example had been their joint work in Lebanon and Jordan in the context of the Syrian conflict, which had also led to collaboration with the United Nations Development Programme (UNDP) and the incorporation of national development plans into the response. It was particularly important for the international community to support national governments and host communities, especially where very progressive policies had been introduced. For example, refugee legislation in Ethiopia was on the cusp of being amended to enable refugees to support themselves and to promote mutual assistance between refugees and host communities.

31. Multi-year planning had been piloted in 6 countries and later expanded to 22, with the hope that it could be extended to most of the Office's programming while retaining the flexibility required in new situations of displacement. It was crucial to have the bilateral actors present during humanitarian efforts given that, in many situations, displacement occurred in the poorest, least developed areas. Lastly, the private sector was not merely a source of funds but could also help find longer-term solutions, such as in Ethiopia, where a project had been launched that integrated education, livelihoods and energy and benefited both refugees and host communities. Focusing on economic considerations was a way of including refugees in the response from a development perspective, as they would be remaining in the host country for some time. Another example was the opening of a solar energy farm at the Azraq camp for Syrian refugees in Jordan, which would be a tangible contribution to local development even once the refugees had left.

32. **Mr. Kälin** (Professor Emeritus, University of Bern, Switzerland) said that collective outcomes could be defined at various levels and be more or less ambitious. One example was that of Colombia, whose national development plan set the objective, together with indicators, that half a million internally displaced persons should no longer be in a vulnerable situation by the end of 2018. In countries where displacement was chiefly an urban issue, a collective outcome could be, for instance, the legalization of 5 to 10 settlements within two to three years. In that type of situation, distinguishing between development considerations and humanitarian concerns would first require an analysis of why people were living in irregular settlements without access to services or urban infrastructure for such long periods. In some places, it might be a matter of discrimination while in others, it might be that the authorities could provide services and infrastructure only in regular areas or that budget allocations were calculated based on the official population rather than the real population. Accordingly, the solution in such cases might entail legislative changes or capacity-building at the level of local governments and relevant ministries. Another collective outcome in terms of improving living conditions in settlements could be to ensure livelihoods for 1,000 internally displaced households in rural

areas by arranging, in areas with a surfeit of land but few labourers, non-exploitative rental contracts with landowners to enable internally displaced persons to work the land. Naturally, the introduction of such arrangements would require liaising with the ministry of agriculture and development actors and would likely lead to the discussion of other issues, including facilitating market access. Thus, collective outcomes must be defined on the basis of a comprehensive analysis that looked at both humanitarian needs and vulnerabilities and development indicators and capacity, which would obviously entail significant changes to the way the actors worked.

33. The observance of humanitarian principles was not a black and white issue and depended on the context, whether that was a conflict or the follow-up to a peace agreement. The principles were not an end in themselves but were also a tool to ensure humanitarian access during armed conflict. Nevertheless, it was important to look at how to define collective outcomes and ensure that the various actors communicated with each other in order to best serve affected populations. Collective outcomes did not mean taking a cookie-cutter approach but, rather, taking the same resources and coordinating them differently. It was then necessary to agree on the role of the local government, UNDP, the International Organization for Migration and other actors. In protracted crises, however, it was important to ensure that collective outcomes were formulated and implemented in keeping with human rights guarantees, relevant international standards and the Sustainable Development Goals, among other considerations. Where that was achieved, there was minimal tension between humanitarian principles and development approaches. It was possible, of course, to define collective outcomes that were completely discriminatory and not at all in line with international standards, in which case humanitarian actors should simply refuse to take part.

34. **Ms. Gaviria Betancur** (Adviser to the President of Colombia on Human Rights) said that the first recommendation for successfully addressing the issue of internally displaced persons was that there had to be political will at the highest level but also at the local and executive levels. Then, a legal and institutional framework was necessary. In the case of Colombia, a decree containing agreed indicators had been issued, after consultation with various ministries and civil society, and that had then been incorporated into the national development plan. It was also necessary to have the best possible data. In that connection, Colombia had conducted a survey of 28,000 internally displaced households in 2010 and another under the current President to constitute a baseline for measuring actual improvement in their lives. Cooperation among the various actors and stakeholders was key. Moreover, it was crucial to consider psychosocial aspects and to involve internally displaced persons in the solution in order to prevent a victim attitude from taking hold. Lastly, when a government took the lead in a process, it was vital for donors and humanitarian and development actors to align themselves with the government's goals, which could, understandably, be quite a challenge.

35. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator) said that the new way of working had also proven successful in the Central African Republic and Somalia, contributing to the evidence base that was crucial to engaging the donors. The leadership provided by United Nations resident and humanitarian coordinators, who performed a dual function under the new system, helped greatly in that task; professional development activities were being conducted to equip them for their new role.

36. **Ms. Eziakonwa-Onochie** (United Nations Resident Coordinator and Humanitarian Coordinator, Ethiopia) said that combining the functions of resident coordinator and humanitarian coordinator facilitated coherence. The Sustainable Development Goals formed the basis of all development action and should dispel any doubts about the principles underpinning development. One concern with shifting funding between development and humanitarian actions was that, if investment in development was not sustained, humanitarian needs would simply be prolonged. When it came to adaptability, she cautioned against pressing for immediate results. People did not change their ways overnight and it was important for donors to understand that the process required time, space for learning, patience and dialogue.

37. In the Ethiopian context, collective outcomes meant converging around the Productive Safety Net Programme in order to create predictable responses. Populations that

might be affected by future shocks needed to be integrated into that process. Humanitarian action must not operate in parallel with development efforts, but instead be merged into a single system of delivery. In Ethiopia, efforts to build resilience against water scarcity, for example, were hampered by the way in which funding was directed. Investment was traditionally directed on the basis of expected returns, rather than risk and vulnerability. As a result, areas that were vulnerable to chronic water shortages were left out. In order to address those shortcomings, development planning decisions needed to be based on need, not numbers.

38. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator) said that, while the humanitarian-development nexus offered opportunities, it was not applicable to all contexts. Development required access and functioning markets.

39. **Mr. Mokaya** (Deputy Regional Director for Africa, International Committee of the Red Cross (ICRC)) said that acceptance of humanitarian actors by all parties to a conflict, and the capacity to deliver without imperilling any segment of the affected population, were essential to humanitarian operations. Countries experiencing mass displacement and frequent shifts in alliances within their territory, in particular, greatly appreciated principled humanitarian action. ICRC had extended its activities to broader services such as health and nutrition in situations where other agencies had had no access. It was also involved in the rehabilitation of the main urban water system in the Central African Republic. It was encouraging to note that donors were increasingly aware that, in certain contexts, humanitarian organizations were the only agencies in a position to maintain basic services, although ICRC preferred to remain within the humanitarian basket.

40. **The observer for the Institute for Planetary Synthesis** said that the world was moving into a new era of synthesis, peace and harmony and the masters of ancient wisdom stood ready to guide humanity through that difficult transition towards the creation of a new world of sharing resources, trust, justice, peace, cooperation, solidarity and unity for all.

41. **The representative of the United Nations Development Programme (UNDP)** said that UNDP actively supported the new way of working by engaging in advocacy, cooperating with country teams, deploying additional planning and financing support where needed, compiling knowledge and experience and identifying obstacles. It was developing a cadre of professionals equipped to bring the new agenda forward, in cooperation with sister agencies. The new way of working was not about concepts and programmes, but about ending need. Investment in development and resilience and political engagement would pave the way.

42. **Ms. Clements** (United Nations Deputy High Commissioner for Refugees) said that the new way of working had created possibilities for new partnerships, attracted unprecedented political attention and been embraced by host communities and beneficiaries. Although the possibility of combining humanitarian and development approaches was exciting, the two systems must be combined in a way that embraced their complementarity and respected their differences with a view to producing collective outcomes for those in need.

43. **Ms. Gaviria Betancur** (Presidential Adviser for Human Rights, Colombia) said that overcoming protracted crises required institutional frameworks and capacities. States and their leaders needed to be willing to recognize mistakes, address challenges and engage in ongoing, transparent dialogue with all segments of society. Everyone must be brought on board in order to make collective outcomes sustainable and legitimate. Stakeholders needed to be ambitious and responsible at the same time and agree on realistic collective goals.

44. **Mr. Mokaya** (Deputy Regional Director for Africa, International Committee of the Red Cross (ICRC)) said that protracted situations could only be resolved through respect for international humanitarian law, facilitation of humanitarian access for immediate and long-term relief and the formulation of political solutions to the root causes of the conflict. Improved complementarity between international, national and local actors and respect for minimum standards of impartiality were critical.

45. **Mr. Abdulla** (Deputy Executive Director, World Food Programme) said that humanitarian actors, host governments and donor governments were shifting away from viewing humanitarian and development action as two separate issues. The Sustainable Development Goals framework was highly principled and humanitarian, as leaving no one behind implied reaching those furthest behind first. In order to reach that goal, all stakeholders needed to work together as a team. In Ethiopia, development, prevention and preparedness activities had helped prevent famine during one of the worst droughts in decades. If that model could be emulated elsewhere, the solution was in sight. Building resilience wherever possible was crucial. Although conflict was one of the most pressing contemporary issues, it was unhelpful to view situations through that lens alone. Development action and funding could go a long way to alleviating the effect of natural hazards such as floods, droughts or earthquakes, for example, and prevent disaster.

46. **Mr. Kälin** (Professor Emeritus, University of Bern, Switzerland) said that reducing protracted internal displacement was a prerequisite for the achievement of the Sustainable Development Goals. It was thus in the interest of States to monitor displacement situations over time in order to build a strong evidence base. The current discussion was not about humanitarian agencies handing protracted crisis situations over to the development community, but rather about improving cooperation. As protracted displacement undermined development, it must be mainstreamed throughout national and regional development plans and United Nations development assistance frameworks. Doing so would eventually obviate the need for humanitarian relief.

47. **Ms. Eziakonwa-Onochie** (United Nations Resident Coordinator and Humanitarian Coordinator, Ethiopia) said that the Kenyan-Ethiopian cross-border initiative to foster peace in the border regions illustrated the willingness of a growing number of host governments to take control of fragile situations. The international system must support such courage with capacities and resources. Fragile populations that had dropped off the development radar were trapped in a cycle of vulnerability. Countries that were making such efforts must be afforded support. Unfortunately, Ethiopia's nine pledges towards addressing the needs of refugees and host communities had been rewarded with the lowest level of funding in years. Countries that lived up to their responsibility needed more, not less, support and it was crucial for the donor community to remain engaged.

48. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator), summing up, welcomed the successful implementation of the new way of working, which illustrated that change was possible. Collective outcomes could be achieved through various routes. Although it was essential to bridge the development-humanitarian divide, multi-year humanitarian funding was also critical. Releasing funds despite knowing that the results of the investment might not materialize for years required trust and several donors had shown their willingness to do so. As the humanitarian community shifted from being a funding recipient to becoming a place for investment, emphasis must be placed on continued principled action. The international system needed to learn how to manage the rhythm of two speeds, meeting immediate needs while strengthening systems and normative frameworks. A whole-of-society approach, joint analysis and multi-year programming and financing were prerequisites for delivering humanitarian and development action that left no one behind. Mutual trust was a vital ingredient for success.

The meeting rose at 6 p.m.

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President: Mr. Schulz (Vice-President) ..... (Germany)

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The meeting was called to order at 10.15 a.m.

Agenda item 9: Special economic, humanitarian and disaster relief assistance *(continued)*

Panel discussion: "Addressing humanitarian challenges linked to disaster and climate change induced mobility"

1. **The President**, introducing the panel, said that the discussion would explore how States Members could better understand the risks and vulnerabilities connected to disasters and climate change and take a forward-looking, anticipatory approach to preparedness and humanitarian assistance. There would also be a reflection on effective strategies to ensure adequate protection and assistance for those displaced by natural disasters or the effects of climate change. The panel would address some of the key short- and long-term humanitarian challenges raised by displacement, particularly in protracted situations or when disasters were recurrent. In addition, it would discuss how to reduce the risk of being displaced by natural disasters and climate change, given the likelihood that they would become more prevalent and more acute. Risk reduction was particularly relevant because the effects of climate change were increasingly combined with such factors as extreme poverty, economic and food crises, water scarcity, population growth and urbanization. Cross-border movements added a further layer of complexity to the challenge of responding to the protection and assistance needs of affected persons, a challenge from which the international community should not shy away.

2. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator), moderator, said that one of the goals of the discussion was to look strategically at protection and assistance responsibilities in the light of the fact that, according to the Internal Displacement Monitoring Centre, an average of 25.3 million people were displaced by disasters each year. Moreover, climate change, in combination with other factors, was expected to increase displacement both within and across borders in the future. A number of tools, including the Sendai Framework for Disaster Risk Reduction and the Blueprint for Action on El Niño, had been adopted to help States reduce risks related to climate change and disasters, with the aim of strengthening the resilience of affected persons and host communities. One of the central principles of climate change adaptation was to prioritize the particular needs of vulnerable groups as, when disaster forced individuals from their homes, pre-existing patterns of discrimination were often exacerbated, hindering the access of marginalized and vulnerable groups to humanitarian assistance. Furthermore, it was those same groups who found themselves at heightened risk of human rights violations, including sexual and gender-based violence.

3. While the vast majority of persons displaced by disaster remained within their own country, cross-border displacement was also common and was expected to become more frequent. The Platform on Disaster Displacement continued the important work begun under the Nansen Initiative on disaster-induced cross-border displacement and was an important vehicle for States, international organizations and other actors in enhancing cooperation and coordination and ensuring a comprehensive approach to the issue. Not all disaster-induced displacement was internal, nor was it only short-term in nature. On the contrary, in many cases, people did not find solutions for years after the event and became increasingly dependent on humanitarian assistance and unable to move forward with their lives. Additionally, large-scale disasters and ensuing displacement could undermine government efforts to achieve development objectives and often overstretched the capacity and finances of both national and local authorities. It was therefore essential that humanitarian and development actors, financial institutions and the private sector should work together to complement the efforts of the authorities to protect and support those displaced and host communities. A key recommendation of a recent study by the Office for the Coordination of Humanitarian Affairs was that governments as well as humanitarian and development actors should focus on clear and measurable collective outcomes that reduced the vulnerability of internally displaced persons and host communities over time, thereby enabling millions to secure better access to livelihoods, adequate housing with security of tenure and basic services.

8. **Mr. Su** (Secretary General, International Federation of Red Cross and Red Crescent Societies (IFRC), panellist, said that the Federation had 17 million volunteers living and working in communities in over 190 countries and who, therefore, experienced shocks and hazards first-hand. The question was whether shocks and hazards, especially recurring ones like monsoons, forest fires and hurricanes, automatically had to turn into disasters. Year on year, the Federation reported increased coverage, but perhaps the number of persons served was not the best indicator of success. The real issue was what efforts were being made to ensure that the next time, fewer people were affected, the needs were reduced and the response did not have to be as major. The answer lay in resilience, which could be increased through capacity-building and preparedness.

9. One way in which the international community could help to boost resilience was by investing on a much larger scale ahead of a crisis. The issuance of advance payments based on weather forecasts had recently been introduced in Bangladesh as the country braced for Tropical Cyclone Mora. 3,000 households had received the equivalent of 60 euros the day before the cyclone hit to cover immediate needs, rather than having to wait for humanitarian assistance after the fact. One of the key outcomes was a sense of dignity and empowerment among the at-risk communities stemming from the ability to take action for themselves. Secondly, the international community had to recognize that reducing climate-induced displacement was a matter of fostering resilience so that individuals no longer had to leave their homes and livelihoods in search of a safer place. Although some work was being done to that end, more was needed to make responses more flexible, needs-based and focused on other issues in addition to migration. For example, the national Red Cross societies in Tanzania, Malawi and Uganda worked with meteorological and hydrological departments to deliver advance weather information to communities and to train them in preparing for extreme weather events. Thirdly, it was necessary to empower local organizations to manage climate shocks and disaster responses, because local solutions were the most effective, yet investment in local capacity was far outstripped by investment in other aspects of disaster relief. It was also recognized that crises were not the optimal time in which to build partnerships and trust.

6. **Mr. Khan** (Permanent Representative of Fiji to the United Nations Office at Geneva, panellist, said that climate change was the most important issue currently facing Fiji and neighbouring Pacific island countries. If not managed wisely and in a timely manner, it would represent the greatest barrier to the country's sustainable development, given that much of the economy rested on natural resources. The Cabinet had adopted a climate change framework in 2007, providing for a multidisciplinary, whole-of-government approach and the promotion of partnerships with the private sector and civil society.

7. That approach was particularly appropriate in the area of disaster and climate change-induced displacement. While the number of persons displaced by sudden onset events was well documented, there was far less certainty about the number displaced as a consequence of the slow onset of climate change, such as rising sea levels, salinization and ocean acidification. There were communities, particularly in the Pacific, that had already been forced to move from coastal areas to higher ground, but it was not known whether there was a causal connection between those phenomena and displacement or whether displacement was attributable to a combination of factors. In Fiji, the principles of equity, participation and multidisciplinary action, which were already embedded in the Policy, had been translated into a relocation policy. The underlying idea was that relocation decisions must be made in consultation with the communities concerned and that consultation processes should take account of barriers to consultation for certain groups like women and children. Consultation was particularly important because indigenous communities had a spiritual link with the land, sea and minerals, and so relocation had a very deep emotional impact on the people concerned. Because 92 per cent of the land was held in trust for indigenous peoples, it was crucial to have guidelines on relocation, establishing that relocation was a last resort, ensuring the participation of the persons concerned and addressing the barriers that might prevent some stakeholders from being consulted. Authorities would have to change the way they communicated with indigenous communities; failure to do so would mean that efforts were unlikely to be effective.

8. Climate change also raised the issue of cross-border displacement, a very real prospect for Pacific island countries built on coral atolls and a significant concern because there was no legal framework in place to deal with the issue. Human Rights Council resolution 35/20 on human rights and climate change (A/HRC/RES/35/20) was timely, but the Pacific island countries would have to work very closely with United Nations agencies, humanitarian actors and other partners to determine where the populations of low-lying countries would go, what their rights were in the context of relocation and what obligations were incumbent upon receiving States, especially with regard to cultural autonomy. Tropical Cyclone Winston had been an excellent lesson on appropriate coordination and the need to build resilience. In addition, the international community had done a wonderful job rallying around Fiji, providing assistance either directly or through the national Red Cross society. It had been key for Fiji to have a measure of control over the way humanitarian assistance was rolled out because, as previous crises had shown, the assistance being offered might be plentiful and well-intentioned, but it was often not tailored to needs on the ground. During the Winston crisis, cluster groups composed of government agencies, civil society organizations and IFRC had been set up in every area with an evacuation centre to coordinate humanitarian assistance. As a consequence, relief efforts had been better organized, far more focused and more participatory. The challenge now was to rebuild for the longer-term rather than simply in view of the next crisis.

9. **Ms. Thompson** (Deputy Director, International Organization for Migration), panellist, said that her organization worked to help build capacity and provide support to governments, communities and individuals with a view to preventing sudden or slow-onset natural disasters from becoming major humanitarian crises. Factors such as class, gender, age and ethnic, cultural and religious background strongly influenced people's exposure, vulnerability and ability to respond to and recover from disasters; their capacity to influence their own preparedness for crisis conditions was instrumental to their resilience. For example, a lack of awareness around evacuation plans, early warning systems or risk mitigation strategies had a real impact on an individual's vulnerability to hazards. It was therefore necessary to ascertain how populations could be better equipped to respond to disasters.

10. Migrants, particularly those in an irregular situation, were very often among the most vulnerable in times of crisis as they generally lacked hazard awareness, had reduced access to social networks, and frequently faced language, cultural and legal obstacles in accessing emergency and recovery assistance and information. They often settled in hazard-prone and poorly planned areas where they had limited access to basic services. Other high-risk categories included individuals and communities lacking livelihood diversification, particularly those reliant on agriculture, who were exposed to hazards such as drought or flooding as well as natural disasters, in addition to pre-existing conditions of poverty and marginalization. Trapped populations were those communities that were unable to move out of harm's way in the event of slow-onset disasters and that lacked the financial or social resources to invest in alternative livelihoods as climate pressure increased. Small island developing States, least developed countries and landlocked developing countries also had a high level of exposure to hazards and the impact of climate change and had limited resources to respond to those growing challenges.

11. Such challenges and risks were shaped by mobility options and choices. While unplanned and unmanaged mobility often generated a new set of personal risks and vulnerabilities, planned and well-organized mobility, whether undertaken through a planned government relocation programme or simply in line with traditional migratory patterns, could be essential in helping people protect their lives and assets, access assistance and gradually return to normalcy as conditions allowed. In order to reduce disaster-induced displacement and mitigate its negative impact on individuals and communities, the authorities must provide them with the capacity to make timely and strategic mobility choices before, during and after sudden disasters. There was a lot of potential for collaboration among actors in that field and a need to invest collectively in such efforts.

12. **Mr. Rauch** (Head of Corporate Climate Center, Munich Re), panellist, said that, in the 1970s, his private-sector insurance company, having realized that loss patterns from natural disasters, particularly weather-related disasters, had started to change in terms of

both frequency and intensity of impacts, had begun to hire scientists in order to better understand what was happening and be able to engage with the scientific community. The company now had a team of 30 scientists, working in fields such as meteorology, geology and geophysics, to identify and measure risks and develop risk transfer solutions, with a focus on mitigation and vulnerability reduction. If an imminent tropical cyclone or major flooding was forecast, the earlier action was taken on the ground, the lower the impact would be on both people and property. Such short-term vulnerability reduction clearly paid off in both humanitarian and monetary terms. Joint work was also carried out with scientific organizations in order to reduce the long-term vulnerability of societies and corporations, for instance by implementing building codes, transferring the knowledge acquired by the private sector and visiting disaster areas to assess the measures taken and calculate the impact. Understanding risk was at the heart of the activities of a private-sector insurance company.

13. Forecast-based financing would involve something of a paradigm shift from the current situation, whereby the insurance sector provided assistance after an event — simply paying for losses — to one where it contributed its knowledge prior to a disaster occurring by collaborating with scientific organizations on forecasts and modelling potential outcomes, allowing humanitarian organizations to start providing early relief to areas where disasters were forecast to strike. The downside of such forecast-based systems was that not all forecasts materialized and there was therefore a degree of uncertainty. However, the insurance sector could help in that regard, for instance through mechanisms to provide financial support in the event that the forecast did not prove to be correct and humanitarian aid organizations had spent money unnecessarily. The outcome would be to stabilize the financial resources of humanitarian aid organizations in the long term and bring the insurance sector's know-how to the table.

14. Given the increasing frequency and intensity of natural disasters in recent decades, it clearly also made sense for the private sector to contribute to a world where vulnerability was reduced in the long term. To date, the most costly disaster for the private sector in monetary terms had been Hurricane Katrina, which had hit the United States in 2005. Analyses of the humanitarian dimension produced a frustrating and saddening picture: the data clearly showed that the most vulnerable people were those with the lowest incomes. Collaboration and cooperation between the public sector, the scientific community and the financial sector could help improve the situation.

15. **Mr. Lelei** (United Nations Deputy Humanitarian Coordinator in Somalia), panellist, said that, in July 2015, several forecasting agencies had provided credible reports that there would be massive flooding of the two big rivers of Somalia, on whose banks significant numbers of people resided and derived their livelihoods. At the time, the country had been living with serious insecurity driven by violent extremism, a weak national Government — although very collaborative and willing to listen and work with humanitarian agencies — very poor infrastructure, virtually no roads and weak community-level structures. The flooding would therefore be occurring in an already very complex context and would affect very vulnerable groups that were already dependent on humanitarian assistance. At the time, he had been the head of the Office for the Coordination of Humanitarian Affairs in Somalia and had been responsible for reaching people before the floods came.

16. Two strands of action had been agreed upon, guided by the global norms already discussed by the panel. One had been effective communication with communities, involving the distribution of community radios and cell phones for leaders and coordinated messaging on pre-emptive displacement, what needs could be met quickly, how children would attend school and protection measures for women and girls, inter alia. The second strand involved distributing sandbags to protect areas of the river that, based on history, would most likely be breached, as well as household items and simple shelter materials, all of which would be shared on the basis of humanitarian principles. Support in airlifting the sandbags and other materials had been received from the Department of Peacekeeping Operations mission in Somalia.

17. The preparedness efforts had created trust and confidence and changed the way that the international humanitarian agencies and civil society organizations and NGOs communicated with, and brought together, local communities. That experience continued to

be drawn on today when difficulties were faced in responding to the country's near-famine conditions. The lessons learned had been incorporated into protocols at the community, regional and national levels and work was under way with the new Ministry of Disaster Management and Humanitarian Response to codify them into a national instrument. There was now a clearer understanding of what was needed and how all parties could work together, and even those groups who were the source of insecurity through violent extremism understood that ideological differences must be set aside in order to respond to acts of God. There were positive lessons to be learned from the Somali experience, particularly on implementing the provisions of the Blueprint for Action and other protocols.

18. **The representative of Australia** said that he agreed on the need to focus on preparedness and acknowledged the leadership of Fiji in the response both to the recent Tropical Cyclone Winston and to climate change generally. He fully supported the comments made on the importance of gender sensitivity in all the work and decision-making on disaster preparedness and climate change, as well as the need for relocation to be seen as a last resort and to take account of the concerns of relocated communities on such issues as ancestral links. He would be interested to hear the panel's views on whether there was a need to identify people displaced through disaster or climate impact, as that would be an ongoing issue, as part of the compacts that were currently being developed.

19. **The representative of Germany** said that the impacts of natural disasters in terms of displacement were already being seen. Germany had been advocating forecast-based financing for almost five years to support the International Red Cross and Red Crescent Movement, the World Food Programme and others in translating forecasts into early action, but no systematic operational approach had yet been developed. He would be interested to hear what needed to change for progress to be made in that regard. Noting that Germany was co-chair of the Platform on Disaster Displacement, the overall objective of which was to implement the Nansen Initiative Protection Agenda, he asked what the international community could do to approach the issue systematically and implement effective practices to reduce disaster displacement risk, carry out humanitarian protection activities and enhance data assessment.

20. **The representative of Japan** said that, as a country particularly prone to natural disasters, Japan had a lot of experience in disaster risk reduction which it was more than willing to share with the world. It firmly believed in the importance of taking a whole-of-society approach to addressing disaster risk reduction, including by sharing traditional knowledge. All citizens, including small children, older persons, women and persons with disabilities, must be trained on how to avoid risk and how to evacuate and find a safe place in the event of a disaster. The country's communities, towns and cities were designating younger citizens to help people with vulnerabilities in disaster situations. Japan had proposed a General Assembly resolution to designate 5 November as World Tsunami Awareness Day and was pleased that many events had already been organized around the world to raise awareness of disaster risk reduction.

21. **Mr. O' Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator) said that questions posted to the online interactive platform for the panel discussion included a request for ideas and good practice on ways of linking up disaster risk reduction, climate change, human rights, humanitarian and development actors domestically and internationally, how the Platform on Disaster Displacement could help countries like Fiji to prepare for the future and on the kind of concrete commitments that could be made on that issue in the forthcoming global compact for migration.

22. **Ms. Thompson** (Deputy Director, International Organization for Migration (IOM)) said that the New York Declaration for Refugees and Migrants recognized climate change, environmental degradation and disasters as drivers of migration, which, in turn, had multiple impacts on the environment. It was hoped that the global compact for safe, orderly and regular migration, to be adopted in 2018, would include not only a reference to climate change and environmental degradation, but also practical responses. IOM had established a division that focused on climate change and environmental degradation; it also supported the Migrants in Countries in Crisis Initiative, under which guidelines had been developed for the protection of migrants in countries experiencing crises. In Kathmandu, IOM had set up a programme to help build the capacity of the Government of Nepal to manage the flows

of displaced persons in the event of a major earthquake, with 18 sites in the Kathmandu valley, such as schools, gymnasiums and stadiums, identified as shelters. In 2015, when a major earthquake had struck, people had moved spontaneously to 14 of those sites. It was nonetheless necessary for the international community to continue making efforts to ensure that particular practices formed a coherent whole.

23. Her organization encouraged cooperation among the research community, practitioners and decision makers with a view to making optimal use of the Platform on Disaster Displacement. The Displacement Tracking Matrix, a tool developed by IOM, made it possible to monitor the movements of displaced persons and record a good deal of relevant information that was used by Governments and humanitarian agencies to plan their responses. A lesson that had been learned from the earthquake and tsunami that had struck Japan in 2011 was that greater efforts should be made to ensure that disaster risk information was provided in languages accessible to migrants living in countries whose languages they did not understand.

24. **Ms. Khan** (Permanent Representative of Fiji to the United Nations Office at Geneva) said that States had to acknowledge their responsibility to establish national policies on displacement, in particular in the case of internal displacement. Governments should see it as a cross-cutting issue and cultivate close ties with civil society. They must also plan for the predictable waves of population displacement that would occur as a result of slow-onset disasters caused by the adverse effects of climate change, an area to which the international community had given too little attention. The population movements should be orderly, and displacement plans designed in an inclusive fashion, using a human rights-based approach. Human Rights Council resolution 35/20, on human rights and climate change, was a major step forward in that regard.

25. Fiji was a strong backer of the Platform on Disaster Displacement and sat on its steering committee. There were still gaps in research and data collection that needed to be addressed and regional charters or agreements on displacement should be developed. Fiji, for instance, would ultimately need help in planning a response to a predictable influx of people from the low-lying Marshall Islands. Consultations on the agreements would also provide opportunities for the Platform to work with other organizations, such as IOM.

26. **The observer from Ecuador** said that the impact of climate change and environmental degradation was greater on vulnerable population groups, such as children, women, older persons, persons with disabilities, indigenous peoples, migrants and refugees. Although there was a legal framework for addressing that impact — the Warsaw International Mechanism for Loss and Damage Associated with Climate Change Impacts — the political will to ensure that it was effective was lacking. In addition, more attention was still paid to broader research into climate change than to ways of adapting to its expected impact. Efforts to mobilize resources, in particular for developing countries, could be stepped up, not least by transferring clean technologies and promoting capacity-building.

27. Ecuador had already suffered greatly as a result of climate-related phenomena such as El Niño, and had made an energy transition, putting priority on the development of a number of hydroelectric projects, in order not only to develop renewable sources of energy but also to manage water resources and control flooding. He would like to know what could be done to ensure that sceptical voices did not prevent States and the international community from fulfilling the commitments they had made in respect of climate change and that the activities of the private sector were entirely consistent with those obligations.

28. **The representative of Switzerland** said that it was essential to improve planning and preparation for the likely impact of climate change on population movements. The Nansen Initiative had made it possible for States to identify measures to reduce the risk of population displacement in the wake of natural catastrophes and help build the resilience of populations affected by them. The Platform on Disaster Displacement was making every effort to push for the practical adoption of such measures, under the Initiative's Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change. The Regional Conference on Migration, an intergovernmental forum of countries in North and Central America, had recently produced a collection of good practices relating

to the humanitarian protection afforded to migrants. It had also encouraged other regional forums to identify good practices appropriate to their particular regions.

29. Although preparing for international population movements was essential, States should also strengthen their domestic laws and policies regarding the provision of assistance to persons displaced internally. As it was unlikely that the risk of population displacement could ever be eliminated, they should adopt humanitarian measures that would make it possible to deal consistently and fairly with persons who, displaced by natural disasters, sought protection abroad. Switzerland, for example, granted temporary residence permits to persons not covered by the Convention relating to the Status of Refugees when their return to their country of origin was deemed unsafe, including as a result of natural catastrophes. States should make every effort to respect the commitments they had made in the context of the Paris Agreement, the Sendai Framework for Disaster Risk Reduction 2015-2030 and the 2030 Agenda for Sustainable Development.

30. **Mr. Rauch** (Head of Corporate Climate Center, Munich Re) said that, to build trust, the scientific community, the financial sector and international humanitarian community needed to develop a common language. A number of major industries, some of them large carbon emitters, had issued calls to support the Paris Agreement. In addition, the nationally determined contributions to mitigating global warming could not be achieved without the involvement of the private sector. A number of major banks, insurers and other companies in the financial sector had begun to divest from the industries that were the heaviest emitters of carbon. The financial sector, and particularly the insurance industry, should nonetheless make greater efforts to draw on its considerable knowledge of vulnerability to natural disasters to develop better adaptation measures. In low-income countries, natural disasters often led to economic crises, which were a major hurdle to achieving sustainable economic development. The private sector, especially the insurance industry, had an evident role to play in such development, but preventing losses and mitigating their impact when they were sustained would require a change of outlook throughout the economy.

31. **Mr. Sy** (Secretary General, International Federation of Red Cross and Red Crescent Societies (IFRC)) said that Germany was to be commended for its leadership in forecast-based financing, a practice that required changes in behaviour and attitudes, flexibility and a willingness to take risks. However, it was still far from being standard practice, partly because States and the international community were so used to responding to disasters after the fact rather than making preventive efforts to mitigate expected impacts. Forecasts that turned out to be inaccurate should not be seen as wasted efforts, not least because forecasting contributed to the development of a culture of prevention and preparedness and helped to build the resilience that would enable vulnerable communities to withstand shocks. For instance, the yearly arrival of the monsoon was no secret. It could not be prevented but measures could be taken to ensure that the number of people who needed assistance in its wake did not grow by the year. Another advantage of forecasting was that it fostered cooperation among a number of sectors, including meteorological agencies, civil defence organizations, national and local governments and private business, enabling effective operational partnerships. IFRC was therefore very much in favour of making prevention efforts and forecast-based financing the norm.

32. **Ms. Thompson** (Deputy Director, International Organization for Migration (IOM)) said that, although the development of the global compact for safe, orderly and regular migration was being led by States, international organizations, civil society and local authorities were being consulted and efforts were being made to consult migrants themselves. All the organizations concerned should ensure that the final version of the compact included an acknowledgement that climate change and environmental degradation were drivers of migration.

33. **The representative of the Office of the United Nations High Commissioner for Refugees (UNHCR)** said that it was increasingly accepted that, while the causes of displacement were varied and complex, climate change played a role in the disasters that led to displacement. Its potential to exacerbate mass population movements was viewed as posing particular challenges that should be addressed jointly by States, international organizations and other stakeholders. In Somalia, for instance, drought and famine had added another tragic dimension to the conflict that had displaced hundreds of thousands of

Somalis in recent years. Tropical Cyclone Mora had recently had a direct impact on vulnerable refugee populations in Bangladesh. Those examples highlighted the interconnectedness of climate change, disasters and displacement in all of its complexity.

34. In its Strategic Directions 2017-2021, UNHCR highlighted its interest in contributing to inter-agency protection responses for disaster crises and advancing legal, policy and practical frameworks that could ensure the protection of persons displaced by disaster related to climate change. As most such displacement was internal and the persons affected had rights under a number of international or regional instruments, it was incumbent on the States concerned to ensure that those rights were respected and on the international community to provide the States with the necessary support. Persons displaced across international borders as a result of conflict exacerbated by climate change were entitled to protection under the Convention relating to the Status of Refugees. Persons obliged to seek protection abroad as a result of events seriously disturbing public order could also qualify as refugees under the definitions contained in such regional instruments as the African Refugee Convention and the Cartagena Declaration on Refugees. At times, displaced persons who might not qualify as refugees under international law would nevertheless need international protection. In those circumstances, access to international protection could be provided by using complementary mechanisms or making temporary arrangements.

35. UNHCR supported the implementation of the Nansen Initiative's Agenda for the Protection of Cross-Border Displaced Persons in the Context of Disasters and Climate Change and the Platform on Disaster Displacement and had helped develop guidelines on planned relocation, which indicated specific steps that could be taken to ensure that the persons affected were fully involved in efforts to plan for and implement relocation measures. Lastly, she agreed that efforts should be made to ensure that the global compact for safe, orderly and regular migration recognized climate change and environmental degradation as causes of displacement.

36. **The representative of the World Food Programme** said that 80 per cent of people who were suffering from hunger lived in parts of the world that were prone to disasters or that faced high levels of environmental degradation. The phrase "natural disaster" was erroneous: disasters could be avoided by taking measures to prepare for natural hazards and risks and to mitigate their effects. Recurrent disasters trapped people in hunger and poverty and eventually led to their displacement. When people were forced to move, the most vulnerable, such as older persons or persons with disabilities, were often left behind. The slow onset of such circumstances meant that funding was rarely provided at the prevention stage but rather in response to a disaster, which was much costlier. Risk needed to be managed in an integrated manner, including through systems to monitor food security and nutritional status. Early warning mechanisms were meaningless if early action was not taken to pre-position supplies, establish safety nets and build local government capacity. Pre-existing social protection systems could be extended when shocks occurred. Using forecast-based financing, funds could be disbursed in advance of a disaster so that people were not forced to move. Development should be viewed as a means of prevention and preparedness and seen as complementary to humanitarian assistance.

37. **Mr. O'Brien** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator) said that it was important to avoid hazards turning into disasters, particularly in the four current situations that had the potential to become famines. Lessons should be learned from Somalia, where, in 2010 and 2011, half of the 260,000 hunger-related deaths had occurred before the crisis had been declared a famine. The challenge lay in proving that investment in early action did lead to the avoidance of a disaster. In addition to forecast data, "postcast" data was needed in order to quantify the suffering that had been averted.

38. **The representative of Oxfam** said that evidence from climate-related hazards and disasters consistently showed that women and girls were the most affected. Displaced women were at a heightened risk of sexual and gender-based violence. Disaster- and climate change-induced mobility, with a focus on gendered impacts, must be recognized in processes such as the global compact on refugees and the global compact for safe, orderly and regular migration. The compacts should reinforce action to minimize and avoid

displacement by addressing the root causes of climate change disasters and vulnerability and ensure that the national, regional and international responses were grounded in the perspectives and priorities of the affected communities. The pilot initiatives of the comprehensive refugee response framework should apply gender-sensitive disaster risk reduction practices in consultation with refugees, host communities and local authorities. Lastly, women and girls should be placed at the forefront of all national displacement policies.

39. **Mr. Sy** (Secretary-General, International Federation of Red Cross and Red Crescent Societies (IFRC)) said that communities affected by disasters did not often distinguish between development and humanitarian assistance. The collaboration between the two spheres needed to be stepped up as quickly as possible in order to address the vulnerabilities underlying the impacts of disasters. The concept of "local actors" should encompass not only organizations or associations; often the first actors on the ground were local individuals who provided assistance to those in need. It was those local people who would notice the first signs of an oncoming disaster and who could become part of community surveillance mechanisms.

40. The gaps between central and local governments and authorities needed to be bridged before, rather than in the midst of, a disaster. It was important to partner with local governments and build trust with them and with the communities in which they worked. Investment was required at the regional and global levels in order to enhance local action. Many shocks and hazards began at the local level and could be contained there through improved coordination with local actors.

41. **Ms. Thompson** (Deputy Director, International Organization for Migration (IOM)) said that, in the aftermath of natural disasters, women and children were at a heightened risk of trafficking, abuse and exploitation. IOM had identified gaps between the emergency response and the migration management response and had created the Migration Crisis Operational Framework to bring the two areas closer together. The Governments of the United States of America and the Philippines had led an initiative to produce guidelines on how Governments should respond to crisis situations. The response to disasters or displacement needed to encompass a range of policies and legal tools, including human rights standards, with the aim of facilitating positive and orderly migration and ensuring that a natural hazard did not become a humanitarian crisis. The key objective was to address disaster- and climate change-induced mobility as part of migration policies and the humanitarian response effort.

42. **Mr. Rauch** (Head of Corporate Climate Center, Munich Re) said that the first step in leveraging insurance mechanisms in forecast-based financing was for economic aid organizations to allocate resources to regions where extreme natural disasters were anticipated. Humanitarian organizations could use those resources to save lives in advance of a disaster. If the anticipated disaster did not materialize, the insurance mechanism paid the money back to the humanitarian organizations so that it could then be used to prepare for another anticipated disaster. It was important to measure the risks and successes of such schemes in order to show donors that their initial investment had been spent wisely and had helped people.

43. **Mr. Lelei** (United Nations Deputy Humanitarian Coordinator in Somalia) said that the number of people displaced by conflict was more likely to be recorded than the number of people displaced by natural hazards. Preparing for and mitigating the effects of natural hazards in areas affected by conflict presented an opportunity to engage with parties to conflict and to respond to conflict-related displacement.

44. **Ms. Khan** (Permanent Representative of Fiji to the Office of the United Nations at Geneva) said that obtaining access to justice was often a challenge for people who had migrated as a result of disasters or climate change. Many countries had not enshrined economic, social and cultural rights in their Constitutions and, in those that had, such rights were not necessarily enforceable against the State as well as the private sector.

45. **The President** extended his thanks to the panellists for their insightful and thought-provoking input.

The meeting rose at 1 p.m.